	Case 2:08-mj-03489-LOA Document 3 Filed 11/13/08 Pages FIED LODGED
wo	UNITED STATES DISTRICT COURT COPY
	DISTRICT OF ARIZONA NOV 1 3 2008
	CITAL
	DISTRICT OF ARIZONA
	ORDER OF DETENTION DEPUTY
	Abondio Chavez-Mena Case Number: 08-3489M
In accorda	
	nce with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing was held on <u>11/13/08</u> . Defendant was present epresented by counsel. I conclude by a preponderance of the evidence the defendant is a serious flight risk and order the of the defendant pending trial in this case.
1 <b>6</b> 1 1 <b>5</b>	FINDINGS OF FACT
	preponderance of the evidence that:
[ <u>&gt;</u>	definition of the difficult diales of lawfully admitted for permanent residence.
[ <u>X</u>	the charged offense, was in the office states lilegally.
<b>\S</b>	of otherwise removed.
	The District of Arizona.
	The defendant has no resources in the United States from which he/she might make a bond reasonably calculated to assure his/her future appearance.
	The defendant has a prior criminal history.
	The defendant lives/works in Mexico.
	The defendant is an amnesty applicant but has no substantial ties in Arizona or in the United States and has substantial family ties to Mexico.
	There is a record of prior failure to appear in court as ordered.
	The defendant attempted to evade law enforcement contact by fleeing from law enforcement.
	The defendant is facing a maximum of years imprisonment.
Th at the time	e Court incorporates by reference the material findings of the Pretrial Services Agency which were reviewed by the Court of the hearing in this matter, except as noted in the record.
	CONCLUSIONS OF LAW
1. 2.	There is a serious risk that the defendant will flee. No condition or combination of conditions will reasonably assure the appearance of the defendant as required.
	DIRECTIONS REGARDING DETENTION
appeal. Th	e defendant is committed to the custody of the Attorney General or his/her designated representative for confinement in sefection for the extent practicable, from persons awaiting or serving sentences or being held in custody pending dedefendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court as the Light of States of an attorney for the Government, the person in charge of the corrections facility shall deliver the

endant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

## APPEALS AND THIRD PARTY RELEASE

IT IS ORDERED that should an appeal of this detention order be filed with the District Court, it is counsel's responsibility to deliver a copy of the motion for review/reconsideration to Pretrial Services at least one day prior to the hearing set before the District Court. Pursuant to Rule 59(a), FED.R.CRIM.P., effective December 1, 2005, Defendant shall have ten (10) days from the date of service of a copy of this order or after the oral order is stated on the record within which to file specific written objections with the district court. Failure to timely file objections in accordance with Rule 59(a) will waive the right to review. 59(a), FED.R.CRIM.P.

IT IS FURTHER ORDERED that if a release to a third party is to be considered, it is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing before the District Court to allow Pretrial Services an opportunity to interview and investigate the potential third party custodian.

DATE: \_ //- 13-08

Lawrence O. Anderson United States Magistrate Judge